

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARK REAVES,

Plaintiff,

V.

MASSACHUSETTS ARMY NATIONAL  
GUARD, *ET AL.*,

Defendants.

CIVIL ACTION NO. 04-30125-MAP

**DEFENDANTS MAANG’S AND VEZINA’S MOTION  
TO AMEND SCHEDULING ORDER**

Defendants Massachusetts Army National Guard (“MAANG”) and Raymond Vezina (“Vezina”) – by and through the Attorney General of the Commonwealth of Massachusetts, their counsel – move, pursuant to FED. R. CIV. P. 6(b)(1) and 16(b), that the Court amend the *Scheduling Order*, ¶ 1 (docket, no. 29) to enlarge, until January 20, 2006 (from January 6, 2006) the time period within which MAANG and Vezina may respond to the motion to amend and/or file their motion to dismiss or motion for judgment on the pleadings.<sup>1</sup>

As grounds for this motion, MAANG and Vezina state the following: Their undersigned counsel received Mr. Reaves's papers approximately two weeks ago. The papers go well beyond the proposed amendment (which the undersigned did not see, but which Mr. Reaves handed to the Court for its review ) discussed at the December 1, 2005, scheduling conference. In addition to

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It would also be appropriate to enlarge Mr. Reaves's time to respond to MAANG's and Vezina's motion by two weeks, from January 24, 2006, until February 7, 2006.

citing M.G.L. c. 151B (discussed at the conference), the proposed amendment cites additional federal

statutes as well. Their undersigned counsel, who was out of the office all or parts of several days last week, needs more time to research, among other things, the statutes and cases cited by Mr. Reaves in the proposed amended complaint.

LR. 7.1(A)(2) CERTIFICATION

The undersigned spoke with Mr. Reaves on December 21, 2005, and on January 4, 2006. On December 21, 2005, Mr. Reaves indicated that he himself intended to seek more time to respond to the undersigned's dispositive motion. On January 4, 2006, Mr. Reaves declined to assent to an enlargement.

CONCLUSION

Wherefore, MAANG and Vezina respectfully request that this Court allow this motion, enlarging until January 20, 2006, the unexpired time period within which they may respond to the motion to amend and/or file their motion to dismiss or motion for judgment on the pleadings.

By their attorney,

THOMAS F. REILLY  
ATTORNEY GENERAL

By: /s/ James S. Whitcomb  
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DATED: January 6, 2006.

CERTIFICATE OF SERVICE

I, James S. Whitcomb, Assistant Attorney General, hereby certify that this document, filed through the Electronic Case Files system, will, on this 6<sup>th</sup> day of January, 2006, be sent electronically to the registered participant(s) as identified on the Notice of Electronic Filing and will be mailed in paper copy form, by first class mail, postage prepaid, to those indicated non registered participant(s)

/s/ James S. Whitcomb  
James S. Whitcomb